

Truro Board of Health Minutes
Tuesday, October 2, 2007
4:00 pm-Truro Town Hall

Members: Lucy Brown-Vice-Chairman, Mark Peters-Clerk, Tracey Rose, Amanda Reed, Alternate, Tim Rose (arrived 4:06 p.m.), Dianne Eib-Chairman (absent)

Present: Pat Pajaron, Susan Travers, Emily Beebe, Alan Wagg, Steve Phillips, Michelle Fischel, Steve Morgan, Tim Brady, Leslie Travers, Bob Fischel, Gary Palmer, Attorney Ben Zehnder, Joel Kimball

Meeting Convened Lucy Brown (acting chair in D.E. absence) convened the meeting at 4:00 p.m.

North Truro Camping Area

Mark Peters asked the health agent if a letter was sent to the owner's of N.T.C.A. concerning upgrading the septic systems at the private residences on the property. Ms. Pajaron has sent a letter to the Kleykamp's dated October 2, 2007.

Review/Approve Minutes for September 18, 2007

Mark Peters moved to amend and approve the September 18, 2007 minutes, seconded by Tracey Rose. Vote: 4-0, unanimous.

REPORTS

Water Resources Oversight Committee

Mr. Peters will update the Board at the next regular meeting. Tracey Rose attended the WROC meeting and reported the water testing is going well.

Health Agent's Report

No report.

Planning, Conservation Commission and BOH Working Group Report

No report.

Request for a Waiver of Time-Joffe Family Trust, 8 Sylvia's Way

Alan Wagg, represented the seller of the property at 8 Sylvia's Way and Steve Morgan, represented the buyer of the property. The property is an existing five bedroom dwelling built in 1970 on 1.14 acres. The buyer is aware the responsibility for installing the Title 5 system is theirs. The Board of Health regulations require an upgrade to Title 5 before the sale of a property and wanted to remind Mr. Wagg and Mr. Morgan of this regulation.

Mr. Wagg informed the Board the reason the new buyers have not installed the septic system is because they may want to remove two bedrooms from the main house and build a cottage on the property in the future. **Mark Peters moved to approve a three month extension of time for 8 Sylvia's Way, from the closing date of November 2, 2007 (the extension would expire on February 2, 2008) with the condition the premises not be occupied until the septic system was installed, seconded by Tim Rose. Vote: 5-0, unanimous.**

Discussion of Bedroom Definition-Fischel, 15 Sawyer Grove Road

Michelle and Bob Fischel, owner's of 15 Sawyer Grove Road spoke to the Board concerning their home. Mr. and Mrs. Fischel want to construct a family room with a bathroom above a garage. The family room would clearly meet the definition of a bedroom according the regulations. Ms. Pajaron reviewed the house plans and counted the number of existing bedrooms and existing rooms. The total count is four bedrooms and a total of eight rooms with the proposed addition to the home. There is a discrepancy on the DWCP which indicates when the permit was issued for the installation of the septic system the number of bedrooms is listed as six. Ms. Fishel described what the new family room would be used for and why the need for a garage. The Board felt that a site visit be in order to better understand the layout of the property and to confirm the amount of bedrooms. **Mark Peters moved to continue the hearing until the next regular meeting on October 16, 2007, to discuss the Board of Health's bedroom definition as it pertains to 15 Sawyer Grove Road until a site visit is held, seconded by Tim Rose.** Ms. Brown reminded the Board if three or more members attend the site visit minutes will have to be taken. **Vote: 5-0, unanimous.**

Discussion of Bedroom Definition-Kimball, 37 Great Hollow Road

Lucy Brown recused herself from the discussion. Joel Kimball, owner of 37 Great Hollow Road explained his need to define the bedroom count at his residence. The four bedroom single family home is under construction and Mr. Kimball is requesting a variance to the bedroom definition in order to finish off the basement to be used as a family room and office area. He is requesting a deed restriction be placed on the property limiting the number of bedrooms to four and that the room in the finished basement will not be used for sleeping purposes. The Board discussed the health agent's recommendations. **Tim Rose moved to grant the variance and place a deed restriction limiting the number of bedrooms to four and that the two finished rooms in the basement will not be used for sleeping purposes, seconded by Amanda Reed. Vote: 4-0, unanimous.** Mr. Kimball understands he is responsible for filing the four bedroom deed restriction for 37 Great Hollow Road.

Request for a Title V variance-Winslow, 11 Depot Road

Lucy Brown recused herself from the discussion. Emily Beebe represented Daniel B. Winslow the owner of 11 Depot Road. The following are the requested Title 5 variances: Property line: 10 ft. separation is required from SAS, 1 ft. separation is provided. Cellar wall: 20 ft. separation is required from SAS, 9 ft. separation is provided. Private well: 100 ft. separation id required from SAS, 85 ft. separation is provided. Final Cover: 3 ft. max. cover required, 4 ft. cover proposed over SAS. An 85 ft. variance to Article 8 of the BOH regulations is required in order to site the leaching area 65 ft. from the top of the Coastal Bank. This is an existing three bedroom dwelling on a 3.28 acre lot served by a well and 1978 Code Title 5 installed in 1988. The existing leach pit is beginning to show signs of failure and requires replacement to a new leach field. The new owner's are planning on installing the new system as soon as possible. **(Continued on page 3)**

Request for a Title V variance-Winslow, 11 Depot Road

The Conservation Commission has met on this issue. The health agent has recommended the following conditions upon granting the variances for 11 Depot Road. 1. A deed restriction limiting the number of bedrooms to three. Such deed restriction, with evidence of recording, must be presented to the Health Agent prior to issuance of the Disposal Works Construction Permit for the system. 2. No increases in design flow or square footage of the existing dwellings be allowed. 3. that the septic tank must be pumped at two-year intervals. The installation of flow-restrictor devices on all faucets and shower fixtures and retro-fitting of the toilets in the house to low-volume flush toilets be included in the motion. **Tim Rose moved to approve the variances as requested, seconded by Amanda Reed for the sake of discussion. Tim Rose included in the motion to require the installation of flow-restrictor devices on all faucets and shower fixtures and retro-fitting of the toilets in the house to low-volume flush toilets be included in the motion, seconded by Tracey Rose. Vote: 4-0, unanimous.**

Discussion of Deed Restriction on property-Filardi, 9 S. Bridge Path

Attorney Ben Zehnder and Tim Brady of East Cape Engineering asked the Board to clarify the motion that was made at the September 18, 2007 regular meeting pertaining to 9 South Bridge Path. The motion was passed as written **“Mark Peters moved to grant the variances as follows according to the health agent’s recommendation: 1. A deed restriction limiting the number of bedrooms to four. Such deed restriction, with evidence of recording, must be presented to the Health Agent prior to issuance of the Disposal Works Construction Permit for the system. 2. No increase in design flow or square footage of the existing dwelling be allowed (due to the 25% reduction in the SAS). 3. The septic tank must be pumped at two year intervals. 4. The existing system must be pumped dry and filled with clean soil before the new system is in service, or the system removed and the resulting void filled, Tim Rose seconded the motion for the sake of discussion”**. This is an existing four bedroom dwelling on a 2.41 acre parcel served by a well and title 5 installed in 1984. The number of rooms is ten as reported by the health agent. According to our regulations “any dwelling with ten or eleven rooms shall be construed to have a least six bedrooms”. Mr. Brady asked if the Board would modify the four bedroom deed restriction so that it is clear and not conflicting with the regulation. Attorney Zehnder and the Board asked Mr. Brady how much of the property is up land. Mr. Brady offered to calculate the amount of usable upland for the next meeting. **Mark Peters moved to rescind the previous action voted on by the Board of Health, September 18, 2007 and reads as follows: “Mark Peters moved to grant the variances as follows according to the health agent’s recommendation: 1. A deed restriction limiting the number of bedrooms to four. Such deed restriction, with evidence of recording, must be presented to the Health Agent prior to issuance of the Disposal Works Construction Permit for the system. 2. No increase in design flow or square footage of the existing dwelling be allowed (due to the 25% reduction in the SAS). 3. The septic tank must be pumped at two year intervals.** (Continued on page 4)

Discussion of Deed Restriction on property-Filardi, 9 S. Bridge Path

4. The existing system must be pumped dry and filled with clean soil before the new system is in service, or the system removed and the resulting void filled, Tim Rose seconded the motion for the sake of discussion". Mark Peters moved to continue the public hearing until October 16, 2007, to discuss the deed restriction on 9 South Bridge Path until more information on the amount of usable upland is calculated, seconded by Tracey Rose. Vote: 5-0, unanimous.

Miscellaneous Business**Discussion if the BOH would have interaction in the Cape Cod Commission's role in site review for the N. Unionfield well field**

Gary Palmer informed the Board that the town of Provincetown has asked for an informal meeting to discuss the need for a BOH representative to be involved in the establishment and licensing of the N. Unionfield well field. The Board is very interested in speaking with Provincetown on this issue but will postpone the discussion until Ms. Eib has returned in November to make a formal decision.

Dump Dance

Lucy Brown spoke with the Mr. and Mrs. Phil Smith, organizers of the Truro Treasures Dump Dance and they have expressed an interest in a discussion concerning the 2008 site of the "Dump Dance".

Adjournment- Mark Peters moved to adjourn at 5:20 pm, seconded by Amanda Reed. Vote: 5-0, unanimous.

Absent

Dianne Eib, Chairman

Tracey Rose

Lucy Brown, Vice-Chairman

Tim Rose

Mark Peters, Clerk

Amanda Reed, Alternate